D.B. CIVIL LEAVE TO APPEAL NO.2/2007

Marwar Gramin Bank Employees Union Vs. Marwar Gramin Bank & Anr.

Date : 02.03.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE CHATRA RAM JAT

Mr. Puspendra Singh for the appellant.

This appeal is filed by a person who is stranger to the litigation because subsequent to the decision of the writ petition, the respondent Bank was amalgamated with another bank and because of the amalgamation, the posts in question of reserved category were not filled due to non-availability of suitable candidates, and were required to be filed by general category but now the candidates are available against those posts.

We are of the opinion that subsequent amalgamation of the Bank with another bank did not effect the position which existed prior to amalgamation and right to remedies against any act or omission by the amalgamation of bank which has affected rights of

appellant. The appellant seeks to challenge the order under appeal because of action which has affected his rights not existing when the petition was filed and had a right against breach of his rights and which stood determined. No appeal was preferred by the Bank or the union. Therefore, the appellant cannot be allowed to carry on the litigation.

Therefore, the application for leave to appeal by the appellant, who was not party to writ petition, is rejected.

[CHATRA RAM JAT], J. [RAJESH BALIA], J.

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